

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 2ND AUGUST 2007 / 11TH SRAVANA 1929

WP(C).No. 23675 of 2007(R)

OS.158/2006 of II ADDL.SUB COURT,ERNAKULAM
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PETITIONER:

VARGHESE, S/O.THOMAS, AGED 60,
PARAYIL HOUSE, ELOOR KIZHAKKUMMURI,
ELOOR VILLAGE, UDYOGAMANDAL P.O., ERNAKULAM
DISTRICT.

BY ADV. SRI.K.C.CHARLES
SMT.T.LAKSHMI

RESPONDENTS:

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1. GEORGE BABU, AGED 43,.
S/O.GEORGE KOLARICKAL HOUSE, CHITTOOR,
CHERANALLOORE VILLAGE, KANAYANNUR TALUK.
 2. PURUSHOTHAMAN, AGED 67, S/O.MANI,
ANUGRAH, VYTILA, POONITHURA VILLAGE,
ERNAKULAM DISTRICT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

M.N.KRISNAN, J.

W.P.(C). No. 23675/2007

Dated this 2nd day of August, 2007

JUDGMENT

This writ petition is filed seeking to set aside the order of the Subordinate Judge, Eranakulam, in I.A.5607/2006 in O.S.158/2006. The prayer in the petition is to appoint a commission for measurement of the properties. The dispute is between the private property as well as the Puramboke land. If there is a puramboke land where one is entitled to assign, is a very big question. If claim schedule property takes in puramboke land as well, there will be sufficient methods for the parties to approach the concerned village authorities and get the plan of the property demarcating the private land and the puramboke land. From the said method, the private land and puramboke land can be found out and if necessary segregated. Other question regarding receipt of consideration and sale of puramboke land are all matters which has to be decided by Court in accordance with law.

2. I find that the learned Subordinate Judge has applied his mind properly and rejected his application for appointing a commission. Therefore, writ petition lacks merit and is dismissed.

**M.N.KRISHNAN,
JUDGE**

mrCS